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REMARKS

The Official Action dated February 22, 2005 has been received and its contents carefully noted. In view thereof, claims 2 and 5-10 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein while claims 1 and 3 have been amended in order to better define that which Applicant regards as the invention. Accordingly, claims 1, 3 and 4 are presently pending in the instant application.

With reference now to the Official Action and particularly page 2 thereof, the Examiner has noted that Fig. 14 should be designated with a legend such as "Prior Art". Filed concurrently herewith is a substitute drawing wherein Fig. 14 has been amended as suggested by the Examiner. Accordingly, it is respectfully submitted that Applicant's several figures are now in proper formal condition for allowance.

Further on page 2 of the Office Action, the drawings have been objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they include the following reference characters not mentioned in the description. Particularly, the Examiner notes that reference character W of Fig. 9 is not mentioned in the description; however, in reviewing Applicant's specification, it is noted that line 9 of page 19 refers to reference character W. Accordingly, it is respectfully submitted that Applicant's specification as well as the several figures are now in proper formal condition for allowance.

With reference to paragraphs 3 and 4 of the Office Action, the Abstract of the Disclosure has been objected to in that the language should be clear and concise and should not repeat information given in the title. Further, the Examiner notes that the Abstract should avoid using phrases which can be implied, such as "the disclosure concerns", "the disclosure defined by the invention," "the disclosure describes", etc. In this regard, as can be seen from the foregoing amendments, Applicant's Abstract has been amended in order to comply with

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§608.01(b) of the MPEP. Accordingly, it is respectfully submitted that Applicant's Abstract is now in proper formal condition for allowance.

With reference to paragraphs 5 and 6 of the Office Action, claims 5-10 have been rejected under 35 U.S.C. §112, second paragraph for being indefinite for failing to particularly out and distinctly claim the subject matter which Applicant regards as the invention. In this regard, with the foregoing amendments wherein claims 5-10 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein, it is respectfully submitted that Applicant's claimed invention is now in proper formal condition for allowance.

With reference now to paragraph 8 of the Office Action, claims 1 and 4 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,043,976 issued to Schonitzer. This rejection is respectfully traversed in that the patent to Schonitzer neither discloses nor suggests that which is presently set forth by Applicant's claimed invention.

As can be seen from the foregoing amendments, independent claim 1 recites a side door structure of a vehicle of which side openings are covered by a front door swingably supported by a door hinge located at the front of the front door and by a rear door swingably supported by a door hinge located at the rear of the rear door, said side door structure comprising a front door checker for holding the front door at an open position situated on an outside of but close to a swing trajectory of the rear door wherein the front door checker can hold the front door at multiple open positions, the front door, when held at a minimum open position among the multiple open positions, is situated on the outside of the swing trajectory of the rear door so that the rear door can be freely openable without interfering with the rear end of the front door when the front door is held at the minimum opening position. Clearly, the patent to Schonitzer neither discloses nor suggests such features.

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Particularly, as recited in independent claim 1, the front door checker can hold the front door at several open positions and the opening position of the front door is situated on the outside of the swing trajectory of the rear doors so that the rear door can be freely opened and closed without interfering with the rearmost part of front door when it is held at its minimum opening angle. This feature being best illustrated in Fig. 8 and discussed in detail on pages 14 and 15 of Applicant's specification.

With respect to the teachings of Schonitzer, as is clearly illustrated in the several figures of Schonitzer, a member, which may be considered to be the door checker is provided on the front door 10. Schonitzer shows two extreme states of the front door in terms of the opening angle, namely a closed state of the front door 10 shown in Fig. 2 and a maximally opened state of the front door 10 as shown in Fig. 6. Nowhere in Schonitzer is it shown or remotely suggested that the front door be held at an angular position between the closed position illustrated in Fig. 2 and the open position illustrated in Fig. 6. Furthermore, Schonitzer nowhere discloses or remotely suggests the feature recited in independent claim 1, wherein no interference between the front door and the rear door when the front door is maintained at its minimal open position as is specifically recited by Applicant's claimed invention. Accordingly, it is respectfully submitted that Applicant's claimed invention as set forth in independent claim 1 as well as claim 4 which depends therefrom clearly distinguishes over the teachings of Schonitzer and is in proper condition for allowance.

Referring now to paragraph 10 of the Office Action, claims 2, 3 and 5-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schonitzer as applied hereinabove and further in view of U.S. Patent No. 6,813,811 issued to Matsuki et al. This rejection is likewise traversed in that the patent to Matsuki et al. does nothing to overcome the aforementioned shortcomings associated with Schonitzer.

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Initially, with respect to claims 5-10, as can be seen from the foregoing amendments, these claims have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein. Accordingly, further discussion with respect thereto is no longer believed to be warranted.

With respect to the rejections of claims 2 and 3, as noted hereinabove, the patent to Schonitzer fails to disclose that the front door can be held at an angular position between the closed position and the open position wherein there is no interference between the front door and the rear door when the front door is maintained at its minimum open position. While Matsuki et al. discloses a front door checker that can hold the door at a plurality of angular positions which include an intermediate position between the closed position and the fully opened position, Matsuki et al. neither discloses nor suggests that the front door checker position the front door such that there is no interference between the front door and the rear door when the front door is maintained at its minimum opening position.

As illustrated in Fig. 4 of the Matsuki et al. reference, Matsuki et al. shows a side door D that can be opened at several angular positions with respect to the vehicle body. Matsuki et al., however, does not disclose nor remotely mention whether the side door D is "a front door" or "a rear door". Accordingly, it is respectfully submitted that Matsuki et al. neither discloses nor remotely suggests preventing the interference between the rear door and the front door while one is maintained at a certain opening state and the other is being opened and/or closed. Accordingly, in that neither Schonitzer or Matsuki et al. disclose or suggest no interference between the front door and a rear door when the front door is maintained at its minimum position as is specifically recited in independent claim 1, it is respectfully submitted that Applicant's claimed invention as set forth in independent claim 1 as well as claims 3 and 4 which depend therefrom clearly distinguishes over the combination proposed


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by the Examiner and is in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1, 3 and 4 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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